

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
US Department of Commerce  
United States Patent and Trademark  
Office, PCT  
2011 South Clark Place Room  
CP2/5C24  
Arlington, VA 22202  
ETATS-UNIS D'AMERIQUE  
in its capacity as elected Office

Date of mailing: 08 March 2001 (08.03.01)	
International application No.: PCT/AU00/01001	Applicant's or agent's file reference: 29031WOP00
International filing date: 24 August 2000 (24.08.00)	Priority date: 26 August 1999 (26.08.99)
Applicant: GOODWIN, Peter, Cole et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:  
25 January 2001 (25.01.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

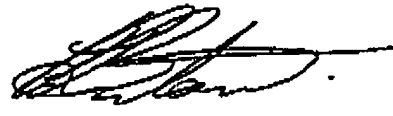
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer:  J. Zahra Telephone No.: (41-22) 338.83.38
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Applicant's or agent's file reference 29031wo	FOR FURTHER NOTIFICATION See Notification of Transmittal of International Preliminary Examination Report (PCT/IPEA/416).	
International Application No. PCT/AU00/01001	International Filing Date (day/month/year) 24 August 2000	Priority Date (day/month/year) 26 August 1999
International Patent Classification (IPC) or national classification and IPC Int. Cl. <sup>7</sup> C04B 24/00, 24/10, 24/16, 24/18, 24/22, 24/24, 24/26, 24/28, 24/38, 22/00		
Applicant JAMES HARDIE RESEARCH PTY LIMITED et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of 11 sheet(s).																
3.	This report contains indications relating to the following items:  <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/> Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/> Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/> Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/> Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/> Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/> Certain observations on the international application</td> </tr> </table>	I	<input checked="" type="checkbox"/> Basis of the report	II	<input type="checkbox"/> Priority	III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/> Lack of unity of invention	V	<input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/> Certain documents cited	VII	<input type="checkbox"/> Certain defects in the international application	VIII	<input type="checkbox"/> Certain observations on the international application
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VII	<input type="checkbox"/> Certain defects in the international application																
VIII	<input type="checkbox"/> Certain observations on the international application																

Date of submission of the demand 25 January 2001	Date of completion of the report 3 January 2002
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer    CHRIS BURTON Telephone No. (02) 6283 2559

1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed.
- ☒ the description, pages , 5, 8-14, as originally filed,  
pages , filed with the demand,  
pages 4, 4a, 6, 7, received on 6 December 2001 with the letter of 5 December 2001
- ☒ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages 15-21, received on 6 December 2001 with the letter of 5 December 2001
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished .

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

and explanations supporting such statement

1.	Statement		YES
	Novelty (N)	Claims 23-50	NO
		Claims 1-22	YES
	Inventive step (IS)	Claims	NO
		Claims 1-50	YES
	Industrial applicability (IA)	Claims 1-50	NO
		Claims	

2. Citations and explanations (Rule 70.7)

**NOVELTY (N) Claims 1-22**

The claims relate to a combination of a viscosity enhancing agent and a dispersion agent suitable for use in an extrudable cement. The dispersion agent is used to enhance the efficacy of the viscosity enhancing agent during the extrusion of the cement.

The specific chemicals described for use as the viscosity enhancing agent and the dispersion agent are known additives used in the manufacture of cement and are found throughout the art. Further, the combination of these additives is also commonly found in many cement mixtures. As such, the compositions defined by the claims are clearly in common use and are not considered to represent any advance in the art.

There is however little evidence from the cited documents that the addition of the dispersion agent has been used specifically for the method of increasing the efficacy of a viscosity enhancing agent.

The documents cited against the application all disclose cement formulations that include mixtures of additives which fall within the scope of the terms "viscosity enhancing agent" and "dispersion agent". Such additives are present in concentrations sufficient to perform the actions required.

Particular mention is made in a number of documents of improvements in flowability and fluidity of cement compositions made by the addition of a range of additives. The disclosure of JP 06-127992 in particular points to improvements in extruded cement products made by compositions falling within the scope of the claims.

It is clear from the cited documents that the compositions defined by the claims are well known in the art. These compositions are considered to be at least suitable for the purpose defined by the claims and are therefore not considered to be novel.

Continuation of V.2

INVENTIVE STEP (IS) Claims 1-22

As above

INVENTIVE STEP (IS) Claims 23-50

There is no specific support in the documents cited against the application for the process step of adding a dispersion agent to a viscosity enhancing agent in order to increase the efficacy of the viscosity enhancing agent.

A number of the documents cited against the application however already incorporate additives in concentrations sufficient to perform the required method. As the compositions are well known and would inherently produce the desired result, it is considered that the person skilled in the art could perform such methods without any requiring an inventive step.

**A. CLASSIFICATION OF SUBJECT MATTER**Int. Cl. <sup>7</sup>: C04B 24/00, 24/10, 24/18, 24/22, 24/24, 24/26, 24/28, 24/22/00

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC C04B 24/-, 22/-, 16/06, 14/38

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
AU: IPC as above.Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
WPAT**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96/40598 (THE NUTRASWEET COMPANY) 19 December 1996 Whole Document	1-51
X	US 5470383 (Shermann et al.) 28 November 1995 Whole Document	1-51
X	US 5453123 (Burge et al.) 26 September 1995 Whole Document	1-51

☒ Further documents are listed in the continuation of Box C
 ☒ See patent family annex

## \* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search  
6 October 2000

Date of mailing of the international search report

10 OCT 2000

Name and mailing address of the ISA/AU

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CHRIS BURTON

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant pages	Relevant to claim No.
X	US 5387626 (Böhme-Kovac et al.) 7 February 1995 Whole Document	1-51
X	US 5352290 (Takeshita et al.) 4 October 1994 Whole Document	1-51
X	JP 06-127992 (KAO CORP) 10 May 1994 Whole Document	1-51
X	AU 13067/92 (HOECHST AKTIENGESELLSCHAFT) 24 September 1992 Whole Document	1-51
X	US 4846889 (Meyer) 11 June 1989 Whole Document	1-51
X	AU 55929/86 (THE DOW CHEMICAL COMPANY) 30 October 1986 Whole Document	1-51
X	AU 44948/85 (SANDOZ AG) 16 January 1986 Whole Document	1-51

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
WO	96/40598	CA	2223723	EP	830327	WO	96/40599
		US	6106603				
US	5470383	CA	2126546	DE	4320508	EP	630871
		JP	7166150				
US	5453123	CA	2110658	EP	602541	JP	6219799
US	5387626	BR	9203431	CZ	9202743	EP	530768
		JP	5201756	MX	9205038		
US	5352290	CN	1075471	EP	540413	JP	5147995
JP	06127992	-					
AU	13067/92	BR	9200950	EP	504870	JP	5186637
		US	5432215				
US	4846889	BR	8900440	EP	327351	JP	1279936
AU	55929/86	BR	8601801	EP	200471	FI	861725
		JP	61281055	NO	861593		
AU	44948/85	EP	188471	JP	61006163	NO	860618
		WO	8600291	ZA	8504666	BR	8504666
		ES	544345	JP	61086455		
END OF ANNEX							